

**Norman Y. Mineta San José International Airport
North Concourse Building Project
METAL ROOFING AND METAL WALL PANEL WORK
Pre-qualification Submittal (*REVISED*)**

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PROJECT DESCRIPTION

The North Concourse Project consists of the construction of a multi-level airport passenger concourse facility, approximately 240,000 SF, with a mechanical mezzanine and full utility corridor below grade. There is approximately 100,000 SF of several types of curtainwall/metal panel systems and approximately 150,000 SF of roofing systems including approximately 85,000 SF of glazed roofing and skylights. Projected start date of the project is Summer 2005 with a projected completion date of Fall 2007.

OWNER
CITY OF SAN JOSE
DEPARTMENT OF AVIATION
&
DEPARTMENT OF PUBLIC WORKS

MASTER ARCHITECT
GENSLER ASSOCIATES
SANTA MONICA, CA

MECHANICAL/ELECTRICAL ENGINEER
FLACK & KURTZ, INC
SAN FRANCISCO, CA

STRUCTURAL ENGINEER
MAGNUSON KLEMENIC ASSOCIATES
SEATTLE, WA

EXTERIOR ENCLOSURE
HUGH DUTTON ASSOCIATES
PARIS, FRANCE

CONSTRUCTION MANAGER
GILBANE BUILDING COMPANY
SAN JOSE, CA

PROGRAM MANAGER
PARSONS BRINCKERHOFF AVIATION, INC.
SAN JOSE, CA

GENERAL

The City of San José Public Works Department seeks to pre-qualify responsible Metal Roofing and Metal Wall Panel contractor firms for work associated with the construction of the new Norman Y. Mineta San José International Airport North Concourse Building Project. The City estimates the value of the Metal Roofing and Metal Wall Panel work to be between \$4,000,000 and \$5,000,000.

The current implementation plan is to issue for bid a building enclosure package that includes curtainwall, glazed roofing, metal roofing, and metal wall panel systems. Bidders for the building enclosure package will be required to be on the prequalified Curtainwall and Glazed Roofing contractor list. Prequalification of Curtainwall and Glazed Roofing contractors is a separate prequalification process. Bidders for the building enclosure package will be required to utilize (subcontract with) a prequalified METAL ROOFING AND METAL WALL PANEL contractor for the metal roofing and metal wall panel scope of work. This Request for Prequalification Submittals is for the METAL ROOFING AND METAL WALL PANEL work only. The City reserves the right to modify the planned contracting strategy for the building enclosure work.

Built-up and fabric roofing systems will not be included in the building enclosure package but will be included with a follow-on General Building construction package.

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If a contractor meets the minimum qualifications for both the metal roofing/metal wall panel and curtainwall/glazed roofing work and wants to be considered for prequalification for both work scopes, the contractor should submit separate prequalification submittals, one for the metal roofing/metal wall panel systems work and another for the curtainwall/glazed roofing work.

PREPARATION OF PREQUALIFICATION SUBMITTALS

The prequalification submittal information should be presented bound and separated by section dividers. Oversize drawings (larger than 11x17), if provided, should be folded and inserted in plastic carriers. Three (3) copies of the prequalification submittal shall be delivered to Gilbane Building Company. The completed prequalification submittal should not exceed 60 pages. The City reserves the right to waive minor irregularities and omissions in the information contained in the prequalification submittal and the form of such information.

Please refer to the Notice To Contractors included in this package for required submittal deadline. In order for the City to accept a submittal for evaluation, the submittal must have been fully completed, including submittal of required documentation about bonding capacity and any other attachments or supporting documentation required. The City will not accept submission of incomplete documentation. Incomplete documentation will result in the rejection of the prequalification submittal.

Any questions or requests must be submitted in writing, a minimum of ninety-six (96) hours prior to the deadline for submission of the qualifications submittal, to the City, to the attention of Scot Chamberlain, Gilbane Building Company, 1012 Airport Boulevard, San Jose, CA 95110 (Telephone: 408-794-6258, Fax: 408-279-6255 or email: schamberlain@gilbaneco.com). The contractor shall rely on only this Request for Prequalification Submittals document and any subsequent written supplement issued by the City for preparation of the prequalification submittal. Contractors shall not rely on any other written or any oral statements of the City or its officers, directors, employees, or agents regarding the overall project or the prequalification package in preparing and submitting the prequalification submittal.

Each contractor should be aware that although the California Public Records Act recognizes that certain confidential information may be protected from disclosure, the City of San José may not be in a position to establish that the information which a proposer submits is confidential. If a request is made for information marked "confidential," the City will provide the contractor who submitted such information with reasonable notice to allow the proposer to seek protection from disclosure by a court of competent jurisdiction.

PREQUALIFICATION

Each prospective contractor for the metal roofing and metal wall panel work on the building enclosure contract must successfully be pre-qualified through the process outlined in this document. No other prequalification process completed for the City will meet these requirements.

The City will rate prospective contractors for this work only using objective criteria based on the information obtained in the prequalification process. The City will use information obtained from the documents submitted, as well as information obtained from references provided.

Following issuance of a prequalification letter, the City reserves the right to adjust, increase, limit, suspend or rescind the prequalification rating based on subsequently learned information.

Any contractor deemed not qualified, or contractors whose rating changes sufficient to disqualify them, will be notified in writing and given an opportunity for a hearing as described below.

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While it is the intent of the prequalification questionnaire and documents required therewith to assist the City in determining contractor responsibility prior to bid and to aid the City in selecting the lowest responsible bidder, neither the fact of prequalification, nor any prequalification rating, will preclude the City from a post-bid consideration and determination of contractor responsibility.

EVALUATION AND ANALYSIS

Compliance with minimum qualifications of prospective contractors will be determined from the information in each prequalification submittal. The City reserves the right to verify from other available sources the information provided by the contractor and to rely upon such information gathered during the verification process. The City's decision will be based on objective evaluation criteria.

The Prequalification Submittal Questionnaire point rating system that will be used to determine minimum qualifications is included within the questionnaire. The City will evaluate each responding contractor's statement for minimum qualifications and publish a list of qualified contractors.

APPEALS PROCEDURE

The following is the process for contractor to appeal a determination by the City in this prequalification process that the contractor is not qualified.

- A. **Notice Of Determination:** The City will deliver a written notice of determination to each contractor that it determines is not qualified to bid on a project or series of projects. The notice of determination will state the basis for the determination that the contractor is not qualified.
- B. **No Appeal For An Incomplete Or Late Submission:** No contractor shall have the right to appeal a determination that it is not qualified based upon its submission of an incomplete prequalification application or its late submission of the prequalification application.
- C. **Appealing a "Not Qualified" Determination:** A contractor that has timely submitted a complete prequalification application and that desires to appeal a determination that it is not qualified shall do so as follows:
 - 1. **Written Notice Of Appeal:** The contractor shall deliver a written notice of appeal no later than 10 business days following the date of the City's written notice of determination that the contractor is not pre-qualified.
 - a. **Delivery Location:** The contractor shall deliver the written notice of appeal to the same location where the pre-qualification application from which the appeal is being taken was submitted.
 - b. **Contents:** The contractor shall clearly set forth in the written notice of appeal the basis of the appeal in general terms.
 - c. **Waiver:** The contractor's failure to submit a timely notice of appeal constitutes the contractor's waiver of any and all rights to challenge the prequalification determination, whether by administrative process, judicial process or any other legal process or proceeding.

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2. **Hearing:** If the Contractor timely delivers the required notice of appeal, the City will conduct a hearing on the appeal. The hearing will be informal.
 - a. **Who Conducts Hearing:** As determined by the City Manager, either the Director of Public Works, the City Manager, or the City Manager's designee will hear the appeal.
 - b. **Evidence:** Prior to the hearing, the City will provide the contractor with any additional information supporting its determination that the contractor is not qualified. Prior to the hearing, as well as at the hearing, the contractor may present information and arguments as to why it believes the "not qualified" determination was incorrect.
 3. **Decision:** Following the appeal hearing, the hearing officer will render a written decision setting forth the reasons for either upholding or reversing the initial determination that the contractor is not qualified. The hearing officer's written decision shall be the final determination of this issue, and contractor shall have no further administrative appeals.
 4. **Timing Of Hearing And Decision:** Both the hearing on the appeal and the written decision following the hearing will occur within a time sufficient for the contractor to bid on the project or series of projects for which the prequalification was performed. Notwithstanding the foregoing, the City will conduct the appeal hearing not later than 20 business days following the contractor's delivery of the notice of appeal, and will make the written decision not later than 20 business days following the hearing.
- D. **Delay Of Bids:** Notwithstanding anything to the contrary contained in this appeal process, it is the City's intent that no date for submission and opening of bids for any specific public works project will be delayed or postponed to allow for completion of an appeal.
- E. **Future Prequalification:** A City determination that a contractor is not qualified under a particular invitation for prequalification does not preclude the contractor from applying for prequalification on any subsequent prequalification invitations.

END OF SECTION

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APPLICATION FORM

The undersigned certifies that the statements and information contained in this submittal are complete and accurate and that the submittal contains no false or deliberately misleading information. The undersigned hereby agrees and declares that receipt of this submittal by the City of San José does not constitute either a direct or implied guarantee to the Contractor that prequalification is or will be granted and also agrees to the procedures and conditions of the prequalification requirements described in the prequalification submittal.

(1) Legal Name of Applicant (Contractor): _____

(2) Address of Applicant (Contractor): _____

(3) Phone Number: _____ Fax: _____

(4) Applicant is: ☐ Corporation ☐ Partnership
 ☐ Sole Proprietorship ☐ Joint Venture

(5) If Applicant is a Corporation, name the State of Incorporation: _____

(6) Number of years the Applicant has been licensed Contractor: _____

(7) State your firm's gross revenues for each of the last five years (1999 through 2003):

\$ _____ (1999)

\$ _____ (2000)

\$ _____ (2001)

\$ _____ (2002)

\$ _____ (2003)

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(8) Execution.

The undersigned is a legally authorized representative of the Contractor. The legal name of the Contractor is:_____

State of California Contractor's License Number, including all specialty licenses and certifications:

License Number: _____Type(s):_____

Contractor's Telephone Number:_____

Contractor's Facsimile Number:_____

I _____, being first duly sworn, state that all statements and
(Name)
information contained in this Submittal is complete and accurate and that this Submittal contains no false or deliberately misleading information.

Contractor

Printed Name

Signature

Title

Subscribed and sworn to before me this _____ day of _____, 2004

Notary Public in and for the State of_____

Residing at:_____

Expiration Date:_____

END OF FORM

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QUESTIONNAIRE PART I

PART I ESSENTIAL REQUIREMENTS FOR QUALIFICATION

**Contractor will be immediately disqualified if the answer to any of questions 1 through 11 is “No.”¹
Contractor will be immediately disqualified if the answer to any of questions 12 through 16 is “yes.”**

1. Contractor has a minimum of 10 years of experience in airport or similar structure building construction in the State of California, or in an area of equivalent seismic construction requirements.
☐ Yes ☐ No
2. Contractor has an in-house design group.
☐ Yes ☐ No
3. Contractor has a minimum of 10 years of experience in designing, assembling and erecting metal roofing and metal wall panel systems.
☐ Yes ☐ No
4. Contractor has designed and installed metal roofing and metal wall panel systems that have been designed under the 1998 California Building Code.
☐ Yes ☐ No
5. Contractor will employ a State of California licensed structural engineer with experience in engineering wall and roof systems in seismic zone 4 per the 1998 California Building code. Licensed structural engineer will be responsible for the design and analysis of the metal roofing and metal wall panel systems and will sign and stamp all plans and specifications pertaining to the system(s).
☐ Yes ☐ No
6. *Contractor has \$2,000,000 Professional Liability Insurance.*
☐ Yes ☐ No
7. *Contractor possesses a valid and current California Contractor's License Classification B or appropriate craft/specialty license.*
☐ Yes ☐ No
8. Contractor has a commercial general liability insurance policy with a policy limit of at least \$1,000,000 each occurrence and \$2,000,000 general aggregate.
☐ Yes ☐ No
9. Contractor has current workers' compensation insurance policy as required by the Labor Code with a policy limit of \$1,000,000 per accident or is legally self-insured pursuant to Labor Code section 3700 et.
☐ Yes ☐ No ☐ Contractor is exempt from this requirement, because it has no employees

¹ A “no” answer on question 9 will not result in disqualification if the contractor is exempt from the requirement to maintain a workers' compensation insurance policy, because it has no employees.

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10. Contractor has attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance and authorized to issue bonds in the State of California), which states: (a) that Contractor's current bonding capacity is at least \$10,000,000.00.
☐ Yes ☐ No

NOTE: Notarized statement must be from the surety company, not an agent or broker.

11. Contractor has a California Experience Modification Rate (EMR) (California workers' compensation insurance) below 1.24 in each of the last three years.
☐ Yes ☐ No
12. Has your contractor's license been revoked at any time in the last five (5) years?
☐ No ☐ Yes
13. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?
☐ No ☐ Yes
14. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded any local, state or federal public works contract, or perform as a subcontractor on any such public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7 or any other local, state or federal law or regulation?
☐ No ☐ Yes
15. At any time during the last five (5) years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?
☐ No ☐ Yes
16. In the last five (5) years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position.

☐ No ☐ Yes

END OF PART I

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QUESTIONNAIRE PART II

PART II **PROJECTS, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE
WITH CIVIL AND CRIMINAL LAWS**

Part II-A **Recent Construction Projects Completed**

The contractor shall have performed work that meets the minimum experience requirements listed below:

1. Contractor must have completed metal roofing and metal wall panel fabrication and installation on a minimum of three (3) airport concourse or terminal buildings, or other similar projects such as public assembly/convention center/transportation center type projects within the past seven (7) years; if experience on other similar projects is considered a minimum of two (2) projects must be airport concourse or terminal buildings in addition to the other similar project;
2. Contractor must have experience on three (3) projects where the total value of the metal roofing and metal wall panel contract was in excess of \$5,000,000, one of which must have been in excess of \$7,000,000 and one of which must have included a curtainwall/metal panel system/s in conjunction with a glazed roofing system;
3. Contractor must have current bonding capacity of \$10,000,000;
4. Contractor must have government/agency project experience.

Provide project information as required on the following pages for individual projects to demonstrate minimum experience. The contractor is encouraged to identify previous projects that not only meet the required criteria, but otherwise closely match the description of the Norman Y. Mineta San Jose International Airport North Concourse Building Project provided on page 2 of this document. Project information shall clearly indicate conformance with the criteria listed above. Names and references must be current and verifiable.

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1) **Project Name:** _____

Project Type: ☐ Airport Concourse or Terminal Building
 ☐ Similar Project (Public Assembly/Convention Center/Transportation Center)
 ☐ Other (describe) _____

Location: _____

Owner: _____

Owner Type: ☐ Public ☐ Private

Architect or Engineer: _____

General Contractor: _____

Construction Manager: _____

Identify Project Elements Included in Your Firm's Contract/Subcontract (check all that apply):

☐ Metal Roofing(F) ☐ Metal Panel Wall Systems(F) ☐ Curtainwall(F) ☐ Glazed Roofing(F)
☐ Metal Roofing(I) ☐ Metal Panel Wall Systems(I) ☐ Curtainwall(I) ☐ Glazed Roofing(I)

Note: (F) signifies Fabrication and (I) signifies Installation

Starting Date for Your Firm's Scope of Work: _____

Completion Date for Your Firm's Scope of Work: _____

Total Value of Your Firm's Contract/Subcontract:

\$ _____ (original contract) + \$ _____ (change orders) = \$ _____ (final contract amount)

Identify Project Elements Included in the Building (include other contractors'/subcontractors' scopes of work also—check all that apply):

☐ Metal Roofing ☐ Metal Panel Wall Systems ☐ Curtainwall ☐ Metal Glazed Roofing

Total Value of Building Construction or Total Project Value (including change orders):

\$ _____

Description of Project, Scope of Work Performed: *(Detail as it relates to comparable construction project experience in **Notice to Contractors**—include square footage of work involved. Use additional sheets if necessary to further describe work or additional projects.)*

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2) **Project Name:** _____

Project Type: ☐ Airport Concourse or Terminal Building
 ☐ Similar Project (Public Assembly/Convention Center/Transportation Center)
 ☐ Other (describe) _____

Location: _____

Owner: _____

Owner Type: ☐ Public ☐ Private

Architect or Engineer: _____

General Contractor: _____

Construction Manager: _____

Identify Project Elements Included in Your Firm's Contract/Subcontract (check all that apply):

☐ Metal Roofing(F) ☐ Metal Panel Wall Systems(F) ☐ Curtainwall(F) ☐ Glazed Roofing(F)
☐ Metal Roofing(I) ☐ Metal Panel Wall Systems(I) ☐ Curtainwall(I) ☐ Glazed Roofing(I)

Note: (F) signifies Fabrication and (I) signifies Installation

Starting Date for Your Firm's Scope of Work: _____

Completion Date for Your Firm's Scope of Work: _____

Total Value of Your Firm's Contract/Subcontract:

\$ _____ (original contract) + \$ _____ (change orders) = \$ _____ (final contract amount)

Identify Project Elements Included in the Building (include other contractors'/subcontractors' scopes of work also—check all that apply):

☐ Metal Roofing ☐ Metal Panel Wall Systems ☐ Curtainwall ☐ Metal Glazed Roofing

Total Value of Building Construction or Total Project Value (including change orders):

\$ _____

Description of Project, Scope of Work Performed: *(Detail as it relates to comparable construction project experience in **Notice to Contractors**—include square footage of work involved. Use additional sheets if necessary to further describe work or additional projects.)*

Project Type: ☐ Airport Concourse or Terminal Building
☐ Similar Project (Public Assembly/Convention Center/Transportation Center)
☐ Other (describe) _____

Owner: _____

Architect or Engineer: _____

Construction Manager: _____

☐Metal Roofing(F) ☐Metal Panel Wall Systems(F) ☐Curtainwall(F) ☐Glazed Roofing(F)
☐Metal Roofing(I) ☐Metal Panel Wall Systems(I) ☐Curtainwall(I) ☐Glazed Roofing(I)

Starting Date for Your Firm's Scope of Work:_____

Completion Date for Your Firm's Scope of Work:

\$_____ (original contract) + \$_____ (change orders) = \$_____ (final contract amount)

☐ Metal Roofing ☐ Metal Panel Wall Systems ☐ Curtainwall ☐ Metal Glazed Roofing

\$ _____

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___) **Project Name:** _____

Project Type: ☐ Airport Concourse or Terminal Building
 ☐ Similar Project (Public Assembly/Convention Center/Transportation Center)
 ☐ Other (describe) _____

Location: _____

Owner: _____

Owner Type: ☐ Public ☐ Private

Architect or Engineer: _____

General Contractor: _____

Construction Manager: _____

Identify Project Elements Included in Your Firm's Contract/Subcontract (check all that apply):

☐ Metal Roofing(F) ☐ Metal Panel Wall Systems(F) ☐ Curtainwall(F) ☐ Glazed Roofing(F)
☐ Metal Roofing(I) ☐ Metal Panel Wall Systems(I) ☐ Curtainwall(I) ☐ Glazed Roofing(I)

Note: (F) signifies Fabrication and (I) signifies Installation

Starting Date for Your Firm's Scope of Work: _____

Completion Date for Your Firm's Scope of Work: _____

Total Value of Your Firm's Contract/Subcontract:

\$ _____ (original contract) + \$ _____ (change orders) = \$ _____ (final contract amount)

Identify Project Elements Included in the Building (include other contractors'/subcontractors' scopes of work also—check all that apply):

☐ Metal Roofing ☐ Metal Panel Wall Systems ☐ Curtainwall ☐ Metal Glazed Roofing

Total Value of Building Construction or Total Project Value (including change orders):

\$ _____

Description of Project, Scope of Work Performed: *(Detail as it relates to comparable construction project experience in **Notice to Contractors**—include square footage of work involved. Use additional sheets if necessary to further describe work or additional projects.)*

END OF PART IIA

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SCORED QUESTIONS AND RATING SYSTEM

The scored questions are in two areas:

- Part II-B History of the Business and Organizational Performance;**
- Part II-C Compliance with Occupational Safety and Health Laws, Workers' Compensation and other Labor Legislation;**

Scores Required for Prequalification

To pre-qualify, a contractor must achieve at least a passing score within each of the two categories referred to above.

Part II-B History of the Business and Organizational Performance

A prospective contractor must achieve a passing score of at least **58** on this portion of the questionnaire (of a maximum score of 81 on this portion of the questionnaire).

Part II-C Compliance with Occupational Safety and Health Laws, Workers' Compensation and other Labor Legislation

A prospective contractor must achieve a passing score of at least **46** on this portion of the questionnaire (of a maximum score of 68 points on this portion of the questionnaire).

Part II-B History of the Business and Organizational Performance

(16 questions)

1. Is your firm currently the debtor in a bankruptcy case?

☐No ☐Yes

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

"No" = 3 points "Yes" = 0 points

2. Was your firm in bankruptcy any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 2, above).

☐No ☐Yes

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

"No" = 3 points "Yes" = 0 points

3. Has your firm had more than eight (8) Stop Notices filed against it within the last five (5) years?

☐No ☐Yes

If "yes," please explain on a separate signed sheet.

"No" = 5 points "Yes" = 0 points

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4. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five (5) years?

☐No ☐Yes

If "yes," please explain on a separate signed sheet.

"No" = 5 points "Yes" = 0 points

5. Has any disciplinary action been filed with the CSLB against your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) within the last five (5) years?

☐No ☐Yes

If "yes," please explain on a separate signed sheet.

"No" = 5 points "Yes" = 0 points

6. At any time in the last five years, has your firm been assessed and paid liquidated damages after completion of a project, under a construction contract with either a public or private owner?

☐No ☐Yes, number of instances _____

If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

No projects with liquidated damages of more than \$50,000, or one project with liquidated damages of less than \$50,000 = 5 points.

Two projects with liquidated damages of more than \$50,000 = 3 points

Any other answer = 0 points

7. In the last five years, has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

☐No ☐Yes

If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

"No" = 5 points "Yes" = 0 points

* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a subcontractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

8. In the past five years, has any claim **against** your firm concerning your firm's work on a construction project, been **filed in court or arbitration?** (Company wide not just California)

☐No ☐Yes, number of instances _____

If "yes," on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

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3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

9. In the past five years, has your firm made any claim against a project owner concerning work on a project or payment for a contract, and **filed that claim in court or arbitration?** (Company wide not just California)

☐No ☐Yes, number of instances _____

If "yes," on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

If your firm's average gross revenue for the last three years was less than \$50 million scoring is as follows:

10 points for either "No" or "Yes" indicating 1 such instance.

5 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If your firm's average gross revenues for the last three years were more than \$50 million scoring is as follows:

10 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

5 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

10. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf in connection with a construction project, either public or private?

☐No ☐Yes, number of instances _____

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

5 points for either "No" or "Yes" indicating 1 such claim.

3 points for "Yes" indicating no more than 2 such claims

Subtract 5 points for "Yes" if more than 2 such claims

11. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐No ☐Yes, number of instances _____

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

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0 points for "Yes" if more than 2 such instances.

12. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?

☐No ☐Yes

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

"No" = 5 points "Yes" = subtract 10 points

13. Has your firm, or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

☐No ☐Yes

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

"No" = 5 points "Yes" = subtract 10 points

14. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐No ☐Yes

If "yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

"No" = 5 points "Yes" = subtract 10 points

15. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

_____ %

5 points if the rate is no more than one per cent

3 points if the rate was no higher than 1.10 per cent.

0 points for any other answer.

16. During the last five years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐No ☐Yes

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies that denied coverage; and the period during which you had no surety bond in place.

"No" = 5 points "Yes" = 0 points

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Part II-C Compliance with Occupational Safety and Health Laws, Workers' Compensation and other Labor Legislation

(11 questions)

17. Has CAL OSHA cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?

Note: If you have filed an appeal of a citation and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ No ☐ Yes, number of instances _____

If "yes," attach a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

10 points for "No" indicating 0 such instances.

5 points for "Yes" indicating 1 such instance.

0 points for "Yes" if more than 1 such instance.

If the firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

10 points for either "No" or "Yes" indicating 1 such instance.

5 points for "Yes" indicating either 2 or 3 such instances.

0 points for "Yes" if more than 3 such instances.

18. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

Note: If you have filed an appeal of a citation and the appropriate appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ No ☐ Yes, number of instances _____

If yes, attach a separate signed page describing each citation.

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

10 points for "No" indicating 0 such instances.

5 points for "Yes" indicating 1 such instance.

0 points for "Yes" if more than 1 such instances.

If the firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

10 points for either "No" or "Yes" indicating 1 such instance.

5 points for "Yes" indicating either 2 or 3 such instances.

0 points for "Yes" if more than 3 such instances.

19. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ No ☐ Yes, number of instances _____

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If yes, attach a separate signed page describing each citation.

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

10 points for "No" indicating 0 such instances.

5 points for "Yes" indicating 1 such instance.

0 points for "Yes" if more than 1 such instances.

If the firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

10 points for either "No" or "Yes" indicating 1 such instance.

5 points for "Yes" indicating either 2 or 3 such instances.

0 points for "Yes" if more than 3 such instances.

20. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

3 points for an answer of once each week or more often.

0 points for any other answer

21. Provide documentation from the State of California listing the following information:

List your firm's California Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

5 points for three-year average EMR of .95 or less

3 points for three-year average of EMR of more than .95 but no more than 1.05

0 points for any other EMR

22. Within the last five years, has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

☐ No ☐ Yes, number of instances _____

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years.

5 points for either "No" or "Yes" indicating 1 such instance.

0 points for any other answer.

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23. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the **State's** prevailing wage laws?

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

☐ No ☐ Yes, number of instances _____

If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No," indicating 0 such instances.

3 points for "Yes" indicating 1 such instance.

0 points for "Yes" if more than 1 such instance.

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 1 such instance.

3 points for "Yes" indicating either 2 or 3 such instances.

0 points for "Yes" if more than 3 such instances.

24. During the last five years, has there been more than one occasion on which your own firm has been penalized or required to pay back wages for failure to comply with the **Federal Davis-Bacon prevailing wage requirements**?

☐ No ☐ Yes, number of instances _____

If "yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No," indicating 0 such instances.

3 points for "Yes" indicating 1 such instance.

0 points for "Yes" if more than 1 such instance.

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 1 such instance.

3 points for "Yes" indicating either 2 or 3 such instances.

0 points for "Yes" if more than 3 such instances.

25. Provide the **name, address and telephone number** of the apprenticeship program(s) approved by the California Apprenticeship Council and the Department of Apprenticeship Standards with which your firm has executed a state form DAS-7 "Agreement to Train Apprentices"

5 points if at least one approved apprenticeship program is listed.

0 points for any other answer.

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26. Has the appropriate craft apprenticeship program from which your firm obtains state certified apprentices graduated apprentices to the rank of Journey level craft person in each of the immediately preceding 5 years?

☐ No ☐ Yes

"No" = subtract 5 points "Yes" = 5 points

27. At any time during the last five years, has your firm ever paid money arising out of a civil wage and penalty assessment under Labor Code Section 1741, or been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

☐ No ☐ Yes, number of instances _____

If yes, provide the date(s) of such findings, and attach copies of the Department's final decision(s).

If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for "No," indicating 0 instances.

3 points for "Yes" indicating 1 such instance.

0 points for "Yes" and more than 2 such instances.

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 1 such instance.

3 points for "Yes" indicating either 2 or 3 such instances.

0 points for "Yes" and more than 3 such instances.

* * * * *

I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Dated

Name

END OF QUESTIONNAIRE